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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/744,768	01/30/2001	Naoki Kuwata	Q62125	4964

7590 03/29/2005

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EXAMINER

SELBY, GEVELL V

ART UNIT PAPER NUMBER

2615

DATE MAILED: 03/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/744,768

Applicant(s)

KUWATA ET AL.

Examiner

Gevell Selby

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 January 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2/8/05.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/03/04 has been entered.

### ***Response to Arguments***

2. Applicant's arguments, see the amendment, filed 11/03/04, with respect to the rejection(s) of claim(s) 1-15 under 35 U.S.C. 102(b) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Maeda, JP 09298673.

### ***Specification***

3. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**2. Claims 1 - 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Maeda, JP 09298673.**

In regard to claims 1 and 6, Maeda, JP 09298673, discloses a monotone conversion apparatus (see figure 1A) for converting color picture data into monotone picture data and method for controlling the apparatus characterized in that it is provided with a picture acquisition unit (see figure 1, element 5) for expressing a picture in picture elements in a dot matrix form and acquiring color picture data representing each picture element in gradation of prescribed element colors into which an original color is separated (see paragraph 7);

a luminance distribution totaling unit (see figure 1, element 1) for totaling the luminance equivalent of each picture element on the basis of these picture data (see paragraph 8);

a luminance correspondence setting unit (see figure 1, element 8-5) for setting a correspondence relationship for collective accomplishment of a conversion so that, while converting the pertinent luminance distribution on the basis of the totaled luminance distribution, relative proportions among element colors be adjusted to prescribed values correspondingly to luminance values after luminance conversion (see paragraph 8); and

a picture data conversion unit (see figure 1, element 8-2) for generating monotone picture data in which the luminance of each picture element in said picture data is converted on the basis of this set correspondence relationship (see paragraphs 8 and 13).

In regard to claims 2 and 7, Maeda, JP 09298673, discloses a monotone conversion apparatus and method, as set forth in claims 1 and 6 respectively, characterized in that said luminance correspondence setting unit, in adjusting relative proportions among element colors to prescribed values (see paragraph 8), achieves smooth variation over the whole range of tone levels while realizing certain relative proportions in luminance equivalent terms by utilizing a tone curve.

The description is inherent to the luminance correspondence setting unit because it describes a characteristic of an adjusted unit.

In regard to claims 3 and 8, Maeda, JP 09298673, discloses a monotone conversion apparatus and method, as set forth in claims 1 or 2 and 6 or 7, respectively, characterized in that said luminance correspondence setting unit generates a plurality of conversion tables (see figure 2) matching individual ones of said correspondence relationships, and generates an integrated conversion table to integrate these conversion tables (see paragraph 8).

In regard to claims 4 and 9, Maeda, JP 09298673, discloses a monotone conversion apparatus, as set forth in claims 3, respectively, characterized in that said luminance correspondence setting unit causes conversion tables matching said individual correspondence relationships to have tone ranges more accurate than the tone range of said integrated conversion table (see paragraphs 13 and 14).

Instead of using the complete LUT, a smaller table of 1 value is used where gives an approximate relationship as compared to using all the values in the LUT to make a more accurate range.

In regard to claims 5 and 10, Maeda, JP 09298673, discloses a monotone conversion apparatus and method, as set forth in claims 1 or 2 and 6 or 7, respectively, characterized in that said luminance correspondence setting unit said correspondence relationships on the basis of the result of successive execution of computations representing the individual correspondence relationships (see paragraph 12 and 13).

The luminance correspondence setting unit uses a series of computations to search and compare values in the table for each pixel until all the pixels are converted.

In regard to claim 11, Maeda, JP 09298673, discloses a medium recording (see figure 1, element 2 and paragraph 9) thereon a monotone conversion program as described above in regard to claims 1 and 6.

In regard to claim 12, Maeda, JP 09298673, discloses a medium recording thereon monotone conversion program, as set forth in claim 11, said monotone conversion program being characterized as described above in regard to claims 2 and 7.

In regard to claim 13, Maeda, JP 09298673, discloses a medium recording thereon monotone conversion program, as set forth in Claim 11 or 12, said monotone conversion program being characterized as described above in regard to claims 3 and 8.

In regard to claim 14, Maeda, JP 09298673, discloses a medium recording thereon monotone conversion program, as set forth in Claim 13, said monotone conversion program being characterized as described above in regard to claims 4 and 9.

In regard to claim 15, Maeda, JP 09298673, discloses a medium recording thereon monotone conversion program, as set forth in Claim 11 or 12, said monotone conversion program being characterized as described in regard to claims 5 and 10.

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*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gevell Selby whose telephone number is 571-272-7369. The examiner can normally be reached on 8:00 A.M. - 5:30 PM (every other Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Groody can be reached on 571-272-7950. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

gvs

  
TUAN HO  
PRIMARY EXAMINER